REMARKS

Claims 1-34 are pending in the captioned Application in which claims 1, 4-26, 28, 32 and 34 are rejected, and claims 2-3, 27, 29-31 and 33 are not rejected or objected to.

This amendment does not narrow the scope of any claim element or limitation and so is not limiting of any claim element or limitation, and Applicant reserves the right to the benefit of the doctrine of equivalents with respect thereto.

Rejection Under 35 U.S.C. §101:

Claims 4-13 are rejected under 35 U.S.C. §101, as allegedly being directed to non-statutory subject matter. The rejection is respectfully traversed.

The rejection alleges, incorrectly, that claim 4, and presumable claims 5-13 depending therefrom, is non-statutory because it "does not define a computer-readable medium or memory." What claim 4 recites is a "storage medium encoded with machine-readable computer instructions" which is semantically different, but in substance is the same thing.

The Examiner is directed to the present Application at page 39, line 15 to page 40, line 1, wherein it states, *inter alia*:

> "The present invention can be embodied as a computer implemented process or processes and/or apparatus for performing such computer-implemented process or processes, and can also be embodied in the form of a tangible storage medium containing a computer program or other machine-readable instructions (herein "computer program"), wherein when the computer program is loaded into a computer or other processor (herein "computer") and/or is executed by the computer, the computer becomes an apparatus for practicing the invention. Storage media for containing such computer program include, for example, floppy disks and diskettes, compact disks (CD)-ROMs (whether or not writeable), DVD digital disks, RAM and ROM memories, computer hard drives and back-up drives, and any other storage medium readable by a computer...," (underline added)

which describes the term "storage medium" and the machine or computer readability of such storage medium.

In addition, it is submitted that the Examiner's proposed wording is imprecise in that

while a "computer" may read a medium, a medium may be read by a machine associated with or part of a "computer," e.g., a card reader, a tape drive, a disk drive or the like. A "storage medium," a "computer-readable medium" and/or a "computer-readable storage medium" as used herein are equivalent and encompass all computer and machine readable media.

Nevertheless, in order to avoid endless discourse over semantics rather than substance, Applicant has amended claim 4 to recite a "computer-readable storage medium" as the examiner suggests which does not narrow the breadth or scope of any claim. Claims 5-13 depending therefrom continue to have a proper antecedent and so need no amendment.

Accordingly, the rejection under 35 U.S.C. §101 should be withdrawn.

Double Patenting Rejection:

Claims 1, 4-5, 7-10, 14-26, 28, 32 and 34 are rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over various claims of U.S. Patent 6,694,045 to Kevin Kwong-Tai Chung and Xiaoming Shi, the inventors in the present Application.

The rejection is respectfully traversed.

Claim 1, for example, of the present Application relates to a method including certain steps (a) through (e) whereas claim 45 of the '045 patent over which it is rejected also includes the additional steps recited in independent claim 37 of the '045 patent. Claim 4 of the present Application is directed to a computer-readable storage medium whereas claim 37 of the '045 patent over which it is rejected is directed to a method, as is also the case regarding claims 5, 7, 8, 9 and 10 of the present Application.

Nevertheless, in the interest of expediting prosecution, Applicants submit herewith a Terminal Disclaimer also overcoming the rejection.

The filing of a Terminal Disclaimer shall not be construed as an admission or as an acquiescence in the validity or correctness of any rejection that may be overcome by a terminal disclaimer or of any reason or reasons therefor.

Accordingly, the rejection for double patenting is overcome and should be withdrawn.

Allowable Subject Matter:

Claims 2-3, 27, 29-31 and 33 are not rejected or objected to, and so appear to be directed to patentable subject matter. Their allowance is solicited.

Conclusion:

Applicant respectfully requests that the objections and rejections be withdrawn, and that the Application including claims 1-34 be allowed and passed to issuance.

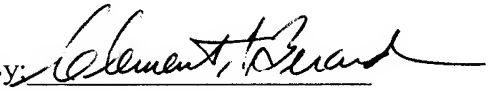
The number of claims remaining being the same as or less than the number previously paid for, no fee is due therefor in consequence of this timely filed response.

Please charge $65.00 in payment of the fee for submitting a Terminal Disclaimer in this timely-filled response, to Deposit Account 04-1406 of Dann, Dorfman, Herrell & Skillman.

Should the fee calculation or the fee enclosed be incorrect or missing, or should any fee, other fee or additional fee be due in consequence of this paper, please charge such fee and deposit any refund to Deposit Account 04-1406 of Dann, Dorfman, Herrell & Skillman. A Fee Transmittal sheet is submitted herewith.

The Examiner is requested to telephone the undersigned attorney if there is any question or if prosecution of this Application could be furthered by telephone.

Respectfully submitted,
Dann, Dorfman, Herrell & Skillman, P.C.
Attorneys for Applicant(s)

By: 
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Enc: Fee Transmittal